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Attorney for Plaintiff
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRIAN MANNING,	)	E-FILED
	)	Unlimited
	)	Case No. C 08-00238 JL
Plaintiff,)	
	)	EX PARTE MOTION AND MEMORANDUM
vs.	)	OF POINTS AND AUTHORITIES IN SUPPORT
	)	FOR AN ORDER RESETTING CASE
ALLSTATE INSURANCE	)	MANAGEMENT CONFERENCE PURSUANT
COMPANY, and DOES 1-30,	)	TO FRCP 16, L.R. 7-10, and L.R. 7-11
Inclusive,)	
	)	Date: March 19, 2008
Defendants.	)	Time: 9:30 a.m.
	)	CRM: 15

Plaintiff's counsel brings this motion to reschedule the Initial Case Management Conference that is currently set for April 23, 2008, to a date later than April 25, 2008, which is convenient to the court, as plaintiff's counsel has paid for an out of state vacation/family reunion that will begin on April 14, 2008, and continue until April 25, 2008.

POINTS & AUTHORITIES

As demonstrated by the Declaration of Joseph John Turri, it was impossible to notify defendant's counsel of this motion as they have not yet appeared and are unknown. It is also demonstrated that attending the Case Management conference would cause plaintiff's counsel to incur significant costs and interrupt a long planned and paid for family reunion.

FRCP 16 provides in part that:

“In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences ...”

Local Rule 7-10 allows the filing of ex parte motion. Local Rule 7-11 recognizes that during the course of case proceedings, a party may require a court order with respect to miscellaneous administrative matters not otherwise governed by federal statute, federal or local rules or standing order of this honorable judge. So now comes the plaintiff's counsel and respectfully requests this court to exercise its inherent power under FRCP 16, and Local Rules 7-10 and 7-11 and reschedule the current Initial Case Management conference in this matter at the earliest date convenient to the court and at a date after April 25, 2008.

Dated: March 12, 2008.

Joseph John Turri
JOSEPH JOHN TURRI
Attorney for Plaintiff